

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE**

**GOVERNMENT**

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**DECREE-LAW No. 2/2005  
Of 31 May**

**INSTITUTE OF HEALTH SCIENCES**

Government Decree-Law No. 5/2003, of 31 December, setting out the organic structure of the Ministry of Health, has established the National Centre for Ongoing Training as a customised service, and entrusted the management thereof to a board of directors appointed by the Minister of Health. The organic structure of the aforementioned centre was due to be approved under the terms of the law within one year.

However, considering the Health System Law under the terms of which it is now incumbent upon the Ministry of Health to provide its health practitioners not only with ongoing training but also with professional upgrading, including even non-university higher education courses to train health practitioners needed by Timor-Leste, the Ministry of Health has found it advisable to convert the National Centre for Ongoing Training to an Institute of Health Sciences that will encompass the two realities and ensure those professionals' own academic education.

Thus, pursuant to paragraph 116(d) and subarticle 115.3 of the Constitution, the Government enacts the following to have the force of law:

**Chapter I  
General Provisions**

**Article 1  
Nature**

1. The National Centre for Ongoing Training, as established by Government Decree No. 5/2003, of 31 December, is now called Institute of Health Sciences.
2. The Institute of Health Sciences is a customised service endowed with juridical personality, administrative and financial autonomy, and property of its own.

**Article 2  
Tutelage**

1. The Institute of Health Sciences functions under the oversight and tutelage of the Minister of Health, who is responsible for:
  - (a) defining its major strategic guidelines on the basis of the requirements of the health system;
  - (b) approving its organic structure and rules of procedure;

- (c) approving student admission and assessment regulations;
  - (d) approving the student code of discipline;
  - (e) approving a regulatory mechanism for granting scholarships and exempting students from paying tuition fees;
  - (f) authorising the acquisition or disposal of moveable and immovable property subject to registration, where the respective overhead funds are not provided for in approved budgets;
  - (g) determining audits and inspections.
2. It is the responsibility of the Minister of Health and the Minister of Planning and Finance:
- (a) to approve in advance any work plans and budgets, whether annual or multi-annual, subject to the competencies established in the Constitution and the State Budget Law;
  - (b) approving financial and progress reports;
  - (c) approving tuition fee rates.
3. It is the responsibility of the Government to approve the rules and regulations for the teachers career, as well as the special rules of the teachers' code of discipline.

### **Article 3** **Responsibilities**

1. The object of the Institute of Health Sciences is to train and retrain health professionals needed by the health system in its different areas and levels, and the following responsibilities are assigned thereto:
- (a) to assist the Ministry of Health in formulating the educational and training policy in the area of health;
  - (b) to coordinate and implement the non-university education and professional training policy in the area of health;
  - (c) organise and provide courses in the area of health, at the level of both non-university higher education and secondary vocational training, as part of the country's educational system;
  - (d) organise and provide vocational training courses in the area of health, and specialising, extension and refresher courses;
  - (e) give equivalent ratings to health-related courses from foreign entities;
  - (f) issue opinions, as requested, on cases of registration of health professionals;
  - (g) grant scholarships to its students and exempt students from paying tuition fees.
2. Upon consent of the competent entity of the Ministry of Education, the Institute of Health Sciences may organise and provide health courses at university level as may be needed by the health system, as long as the requirements stipulated by the education law in this respect are met.

## **Article 4 Regime**

The Institute of Health Sciences is governed by this decree-law, by the legal provisions directly applicable thereto and, on a subsidiary basis, by the provisions applicable to Public Administration agencies endowed with administrative and financial autonomy.

## **Chapter II Organs**

### **Article 5 Organs**

The organs of the Institute of Health Sciences include:

- (a) the board of directors;
- (b) the pedagogical board;
- (c) the single auditor.

### **Section I Managerial Organs**

#### **Article 6 Board of Directors**

The board of directors is composed of the Director-general, who is its chairperson, the Director for Academic Matters, and the Director of Administration.

#### **Article 7 Competencies**

The board of directors is the managerial organ of the Institute of Health Sciences responsible for exercising all competencies that have not been assigned by law or regulation to another organ, and specifically:

- (a) approve work plans and budgets, whether annual or multiannual;
- (b) approve progress and financial reports;
- (c) approve the organic structure and the rules of procedure of the Institute of Health Sciences, student selection and assessment rules, the student code of discipline, and rules for granting scholarships and exempting students from paying tuition fees;
- (d) approve the establishment, alteration or abolishment of courses and their respective syllabuses and determine the number of students to attend each of such courses;
- (e) promote the receipt of income and authorise expenditure;
- (f) administer the Institute's assets and decide the disposal thereof;
- (g) appoint the head of the Department of Technological Higher Education and the head of the Department of Technical Education;
- (h) appoint course coordinators;

- (i) appoint or hire the remaining teaching, technical, and administrative staff and exercise managerial and disciplinary powers;
- (j) authorise the participation of teachers in professional or teaching capacity building activities;
- (k) enter into agreements with health-care institutions for the provision of hands-on classes and internships.

### **Article 8 Functioning**

1. The board of directors meets ordinarily once a week and extraordinarily when and as requested by its chairperson.
2. The board of directors may only make a decision when the majority of its members are present at the meeting; decisions are taken by the majority of its members, the chairperson may exercise a casting vote, and board of directors meetings are recorded in minutes.

### **Article 9 Delegation of Competencies**

The board of directors may delegate its competencies to its members, and appoint agents to perform certain acts.

### **Article 10 Binding Effect**

The Institute of Health Sciences is bound by:

- (a) the signature of the chairperson of the board of directors or his or her substitute;
- (b) the signature of any of the other board of directors members who has, as recorded in minutes, received delegation to that effect;
- (c) the signature of a duly mandated proxy.

### **Article 11 Bylaws**

1. Board of directors members are subject to the bylaws governing the senior management of customised services in all that is not provided in this decree-law.
2. Board of directors members perform their functions on a full-time basis and may not exercise any other functions or professional activity, except teaching functions on a part-time basis, and shall earn such remuneration as may be jointly determined by the Minister of Finance and Planning, the Minister of Health, and the Minister of State Administration.

**Article 12**  
**Termination of Tenure**

1. A board of directors member shall terminate his or her tenure:
  - (a) upon expiry of his or her term in office;
  - (b) on grounds of permanent disability or subsequent disqualification;
  - (c) upon resignation;
  - (d) upon dismissal decided upon by the appointing entity, after consultation with the proponent entity, in the case of a grave fault on the part of the member, which has been demonstrably committed while exercising his or her functions;
  - (e) following conviction for a criminal offence.
2. In the case of resignation, the new member shall always be appointed for a 4-year period.

**Article 13**  
**Dissolution**

The board of directors may be dissolved by determination of the Minister of Health after consultation with the pedagogical board, in the case of grave irregularities in its operation and significant overspending without a proper reason.

**Article 14**  
**Director-General**

1. The director-general shall have a university degree in a health-related field and experience in teaching and management, and shall be appointed by the Minister of Health for a 4-year, renewable term of office.
2. It is incumbent upon the director-general:
  - (a) to submit to the Minister of Health any matters that fall under the oversight and tutelage of the latter;
  - (b) to chair the board of directors and the pedagogical board;
  - (c) to enforce legal and regulatory provisions and decisions taken by the Institute organs, monitoring the functioning of all of its services;
  - (d) to represent the Institute of Health Sciences in court and elsewhere where other agents have not been designated by the director-general or by the board of directors.
3. Where pressing circumstances so require and a board of directors meeting may not be convened, the director-general may perform any acts falling under the competency of the board of directors, which shall be ratified at the first subsequent board meeting.
4. The director-general shall be replaced in his or her absences or inability to act by the director he or she designates.

**Article 15**  
**Director for Academic Matters**

1. The director for academic matters shall have a university degree in health, with experience in teaching, and shall be appointed by the Minister of Health, on the proposal of the director-general, for a 4-year, renewable term of office.
2. It is incumbent upon the director for academic matters to oversee the Academic Services, the Department of Higher Education and the Department of Technical and Professional Education, exercising therein any academic management competencies as may be delegated thereto by the board of directors.

**Article 16**  
**Director of Administration**

1. The director of administration shall have a university degree in administration or management and shall be appointed by the Minister of Health, on the proposal of the director-general, for a 4-year, renewable term of office.
2. It is incumbent upon the director of administration to oversee the Administrative Services and the administrative and financial management of the Institute of Health Sciences, exercising therein any competencies as may be delegated thereto by the board of directors.

**Section II**  
**Pedagogical Board**

**Article 17**  
**Composition**

The pedagogical board is composed of:

- (a) the director-general, who is its chairperson;
- (b) the director for academic matters;
- (c) the director of administration;
- (d) the head of the Department of Technological Higher Education
- (e) the head of the Department of Technical and Professional Education;
- (f) all course coordinators;
- (g) a teacher elected annually by his or her peers;
- (h) a student elected annually by his or her peers.

**Article 18**  
**Competencies**

It is incumbent upon the pedagogical board:

- (a) to propose the establishment, alteration or abolishment of courses, their respective syllabuses and the number of students;
- (b) nominate department heads, from three different lists;

- (c) propose the academic timetable for each semester;
- (d) appoint course coordinators;
- (e) propose student selection and assessment rules;
- (f) propose teacher staffing tables and hire teachers;
- (g) organise and hold an annual seminar for updating teaching and pedagogical knowledge;
- (h) identify areas lacking retraining, updating or capacity building programmes for teachers, proposing the implementation of such programmes;
- (i) monitor course quality through the review of the results of periodic, post-training assessments, and impact studies;
- (j) issue an opinion on annual and multiannual work plans and progress reports and on all issues submitted thereto by the board of directors or by its members;
- (k) issue an opinion on the student code of discipline.

### **Article 19 Functioning**

1. The pedagogical board meets ordinarily once a month and extraordinarily when and as convened by its chairperson or at the request of one-third of its members.
2. The pedagogical board may only make a decision when the majority of its members are present; the chairperson may exercise a casting vote, and meetings shall be recorded in minutes.

### **Section III The Single Auditor**

#### **Article 20 Appointment**

1. The single auditor shall be a chartered accountant, jointly appointed by the Minister of Planning and Finance and the Minister of Health for a 4-year term of office, renewable for equal periods of time.
2. The single auditor shall not be entitled to any remuneration and shall serve his or her term of office within the framework of his or her normal functions as a civil servant, at least once a month.

#### **Article 21 Competencies**

1. It is incumbent upon the single auditor to monitor the financial management of the Institute of Health Sciences, and specifically:
  - (a) to verify the legality of acts of a financial character performed by the board of directors, their conformity with this decree-law and other provisions applicable to the Institute of Health Sciences, namely provisions applicable to customised services;
  - (b) to follow up the execution of work plans and budgets;

- (c) to periodically audit the accounting records of the Institute of Health Sciences;
  - (d) to issue an opinion on asset assessment and depreciation criteria;
  - (e) to issue an opinion on progress reports and accountability documents;
  - (f) to issue an opinion on the performance and financial management of the Institute of Health Sciences;
  - (g) to issue an opinion on the acquisition, disposal or encumbrance of moveable or immovable property that is subject to registration;
  - (h) to inform the competent entity of any irregularities detected in the management of the Institute;
2. For the exercise of his or her competencies, the single auditor may:
- (a) ask the board of directors for information and clarifications regarding any activities carried out by the Institute of Health Sciences;
  - (b) propose the undertaking of external audits.

### **Chapter III**

#### **Teaching Departments**

#### **Article 22**

#### **Teaching Departments**

1. The Institute of Health Sciences is comprised of the Department of Technological Higher Education, the Department of Technical and Professional Education, and such courses as may be approved by the board of directors.
2. Each department is composed of all teachers posted to courses of the respective education level, irrespective of the scientific areas, and is coordinated by the respective head of department.
3. The courses available are as follow:
  - (a) non-university higher education technological courses;
  - (b) technical and professional education courses awarding a secondary education professionalising course diploma;
  - (c) specialisation and upgrading courses awarding a certificate of completion;
  - (d) extension courses awarding a certificate of attendance.

#### **Article 23**

#### **Competencies of the Departments**

1. It is incumbent upon each department, in the field of its respective training level and scientific knowledge:
  - (a) to ensure training;
  - (b) to promote training and value students;
  - (c) to promote the dissemination of scientific knowledge;
  - (d) to contribute to the effective functioning of the Institute of Health Sciences, through collaboration with other departments;
  - (e) to propose the establishment, alteration or abolishment of courses;
  - (f) to develop teaching techniques;



- (g) to issue an opinion on requests for an equivalent rating or recognition of courses.
- 2. Heads of department are appointed by the pedagogical board from among teachers hired or to be hired for a renewable term of office of at least one academic year but not exceeding three academic years,
- 3. It is incumbent upon the head of department:
  - (a) to represent the respective department on the pedagogical board;
  - (b) to chair teacher meetings;
  - (c) to coordinate and manage the human and material resources of his or her respective department;
  - (d) to oversee the preparation of course curricula;
  - (e) to ensure the preparation of work plans and progress reports;
  - (f) to submit to the pedagogical board proposals and opinions from his or her respective department.

### **Article 24**

#### **Course Coordinator**

- 1. Each course has a coordinator responsible for implementing the academic plans for the course, including:
  - (a) coordinating and overseeing course activities;
  - (b) admitting students at the start of each course;
  - (c) ensuring paperwork;
  - (d) organising meetings with teachers;
  - (e) forwarding student grade and attendance reports to the Academic Office.
- 2. Course coordinators are appointed by the pedagogical board for the duration of the respective course on the proposal of the respective head of department, from among teachers whether on the staffing table of the Institute of Health Sciences or not.

### **Chapter IV**

#### **Services of the Institute of Health Sciences**

#### **Section I**

#### **General Framework**

#### **Article 25**

#### **Services**

- 1. The Institute of Health Sciences shall have the services indispensable to the discharge of its responsibilities and its organisation and functioning shall be set out in its rules of procedure.
- 2. The internal structure and organisation shall be flexible and adaptable to alterations made to the courses available and their respective curricula.
- 3. The academic and administrative services comprised of the sections described below are hereby established.

**Section II**  
**Academic Services**

**Article 26**  
**Academic Office**

The academic office functions under the direct purview of the director for academic matters and is responsible for ensuring all administrative procedures required for running the courses and departments, notably:

- (a) providing information on course application, enrolment, admission and attendance requirements;
- (b) carrying out work related to applications, enrolments, and exams;
- (c) organising and keeping updated students' personal files;
- (d) issuing student ID cards;
- (e) issuing and recording certificates and diplomas;
- (f) preparing all statistics regarding course attendance and academic achievement;
- (g) ensuring that all academic paperwork is done;
- (h) providing secretarial services at pedagogical board meetings and, when and as requested, at teacher meetings;
- (i) organising a library and technical documentation service.

**Section III**  
**Administrative Services**

**Article 27**  
**Administrative Office**

1. The administrative office functions under the direct purview of the director of administration and is responsible for ensuring all administrative and financial procedures required for operating and managing the Institute of Health Sciences.
2. In personnel matters, it is the responsibility of the administrative office:
  - (a) to initiate proceedings relating to staff selection, recruitment, promotion and dismissal, and extension and termination of contracts, keeping such files updated in a filing system;
  - (b) to initiate proceedings relating to absences, annual leaves, stand-down leaves, and classification of all staff members, keeping such proceedings updated in a filing system;
  - (c) to issue letters attesting to staff members' status;
3. In the field of secretarial work and filing, it is incumbent upon the administrative office:
  - (a) to receive, open, classify, record and route all incoming and outgoing mail of the Institute of Health Sciences;
  - (b) to distribute and file documents.
4. In the field of accountancy, it is also incumbent upon the administrative office:
  - (a) to do all the bookkeeping of the Institute of Health Sciences;

- (b) to process payrolls and other entitlements;
  - (c) to coordinate budgetary management processes;
  - (d) to prepare budgets and accountability documents;
  - (e) to advise on the legality and validity of proceedings;
  - (f) to organise budgetary amendment processes;
  - (g) to prepare and submit expenditure papers for higher consideration.
5. In the area of assets, the administrative office shall:
- (a) to keep updated inventories and asset records;
  - (b) to organise the processes of acquiring and stocking supplies;
  - (c) to ensure the maintenance of assets;
  - (d) to organise the processes of writing off assets.
6. In the area of cash management, it is incumbent upon the administrative office:
- (a) to collect revenues;
  - (b) to make payments of authorised expenditure;
  - (c) keep an updated bookkeeping of the cashier's office.

## **Chapter IV**

### **Management Principles and Rules**

#### **Article 28**

#### **Academic Management**

The academic management of the Institute of Health Sciences shall be done in accordance with its regulations and in observance of the following principles:

- (a) courses tailored to the requirements of the health system;
- (b) teaching, teachers and internships of technical and scientific quality;
- (c) student selection, management and assessment in observance of the principles of equality and non-discrimination, as guaranteed by the constitution, and through objective and scientific criteria;
- (d) payment of fees to be defined in an order to be enacted by Minister of Planning and Finance and the Minister of Health;
- (e) granting of scholarships and tuition fee exemptions on the basis of students' economic status and academic achievement, to be defined in an order to be enacted by the Minister of Planning and Finance and the Minister of Health.

#### **Article 29**

#### **Financial and Property Management**

1. Financial and property management of the Institute of Health Sciences is regulated by the forward management tools, accountability documents, and balance sheet provided for in the general law applicable to public administration agencies endowed with administrative and financial autonomy, and, in either case, by the following tools:
- (a) work plans and budgets, whether annual or multiannual;
  - (b) progress reports, financial and operational statements.

2. The property of the Institute of Health Sciences is comprised of all assets, rights and obligations received, acquired or assumed by the Institute while carrying out its activity, namely state moveable and immovable property assigned thereto.
3. Revenues of the Institute of Health Sciences include:
  - (a) appropriations, contributions and subsidies from the state and other entities;
  - (b) tuition fees;
  - (c) income generated by assets owned by the Institute;
  - (d) donations, inheritances and bequeaths;
  - (e) any other income or amounts deriving from its activity or that should, by virtue of the law or a contract, belong to the Institute.

**Article 30**  
**Staff Rules and Regulations**

1. Employees of the Institute of Health Sciences are on the whole subject to the Civil Service Act.
2. Teaching staff are subject to the Teachers Career Act.

**Chapter V**  
**Final and Transitional Provisions**

**Article 31**  
**Transitional Provision**

1. Staff currently employed by the Institute of Health Sciences shall retain their legal and functional status they now hold and shall be incorporated into the staffing table on the basis of the individual assessment provided for in article 119 of Law No. 8/2004, of 16 June.
2. Pending the approval of the Teachers Career Act, teaching staff shall be subject to an employment contract of limited duration or a service provision contract for the duration of the respective course.

**Articles 32**  
**Courses Underway**

Courses underway at the date of entry into force of this decree-law are considered to have been created and approved under this decree-law.

**Article 33**  
**Entry into Force**

The present decree-law shall come into force on the date following its date of publication.

Approved by the Council of Ministers on 4 May 2005.

The Prime Minister

[Signed]  
(Mari Bim Amude Alkatiri)

The Minister of Health

[Signed]  
(Rui Maria de Araújo)

Promulgated on 23 May 2005.

To be published.

The President of the Republic

[Signed]  
(Kay Rala Xanana Gusmão)